

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Arthur Dale Senty-Haugen,

Case No. 23-CV-0033 (WMW/ECW)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Lucinda Jesson et al.,

Defendants.

In an order dated January 6, 2023, Magistrate Judge Dulce J. Foster granted Plaintiff Arthur Dale Senty-Haugen's motion to sever in Case No. 14-cv-3405 (JNE/DJF) and ordered the Clerk of Court to "commence a new civil proceeding naming [Senty-Haugen] as the sole plaintiff." (Dkt. 2 at 3.) This action is that new civil proceeding.

Magistrate Judge Foster's order also granted a motion to amend by Senty-Haugen, and ordered him to submit a "second amended complaint" by February 2, 2023. (*Id.*) Senty-Haugen's deadline has now passed, and he has not submitted an amended complaint. The Court thus recommends dismissing this action under Rule 41(b). *See, e.g., Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein,
IT IS RECOMMENDED that this action be **DISMISSED WITHOUT PREJUDICE**
under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: February 13, 2023

s/Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).